FILED
JUL 9 1985
ALEXANDER L. STEVAS
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

No: 84-1959

OCTOBER TERM

MITCHELL E. JAMES, SR., Petitioner

v.

ALABAMA STATE PERSONNEL BOARD,et.al's.

Respondents

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

(ALL RECORDS REVIEW,84-7163-83-7655)

LEAVE OF COURT FOR MOTION, RULE 30.7

AND RULE 18, REMAND IN VETERAN CAUSE.

SUPPLIMENTAL APPENDIXES

Mitchell E. James, Sr.

Route 2, Box 465

Tallassee, Alabama 36078

1-205-283-8468

1. WHETHER, IF TESTS TIME, CONDITIONS, AND CIRCUMSTANCES APPLIED DO IMPEACH THE FINDINGS OF THE DISTRICT COURT.

2. WHETHER, DISCRETION IS VALID, WHERE MADE KNOWN IN IMPEACHMENT OF FINDINGS.

3. WHETHER, ATTORNIES ARE IMMUNE AND CLIENTS INDIVIDUALLY CHARGED, LACKING GOOD INTENTS, IN DEFAULT, AND GRANTED RELIEF TO PROCEED TO DENY IS JUSTICE IN EQUAL TREATMENT UNDER THE LAW.

4. WHETHER, OUTSIDE INFLUENCES IS A CAUSE TO CONDSIDER IN DUE PROCESS, OR EQUAL TREATMENT UNDER MAXIMS OF EQUITY.

5. WHETHER,STRIKING ASSIGNED JUDGE IS EQUITY, SO ONLY ONE JUDGE SETS OVER ALL DENIAL PROCESS OF PRO SE CAUSES.

6. WHETHER CLOUDS OF CONSPIRACY DENY EQUITY IN MOTION FOR REVIEW OF RECORDS.

7. WHETHER, INTENT TO NONFEASE CAUSE END ALL TORTS RIGHTS BY CONTRACT LAWS.

8. WHETHER LAWS OF REVERSE DISCRIMINATION APPLY TO [FORWARD DISCRIMINATION]ACTS.

LISTING OF PARTIES IN THE CAUSES:

EDWIN M. DIXON, VELMA BLACKWELL, AND C. FRANK McCORKLE, Individually, etc., STATE PERSONNEL BOARD: HALYCON BALLARD, and J.S. FRAZER, Individually, etc. STATE PERSONNEL DEPARTMENT: B. G. BRYANT, Individually, etc. DEPARTMENT OF YOUTH SERVICES BOARD: GEORGE M. PHYFER, G. WAYNE BOOKER, AND RICHARD S. JORDAN, Individually, etc. DEPARTMENT OF YOUTH SERVICES: JOHN RICKIKKI, AND JIM NORTHCUT, Individually, (DEPARTMENT OF YOUTH SERVICES VOCATIONAL PROGRAMS), ET. AL's.

EXCEPTED: Jerry Vanderholf, Individually. Federal Appealed to higher Board: EXCEPTED All not recorded excepted, EXCEPT BY THE DISCRETION OF THE COURT.

DISCRETION OF THE COURT PLEADED, IN PRO SE CAUSES,FOR JUSTICE REVIEW OR REMAND A VETERAN CAUSE IN EQUITY.

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84-7163-83-7655...Appeal Court

82-885-N(82-595-N) District Court

83-H-1173-N District Court

PERSONNEL BOARD, 28 USC 451(seq)

DISTRICT COURT Rulings March 7, 1985

APPEAL COURT MOTION DENIED,March 26,1985.

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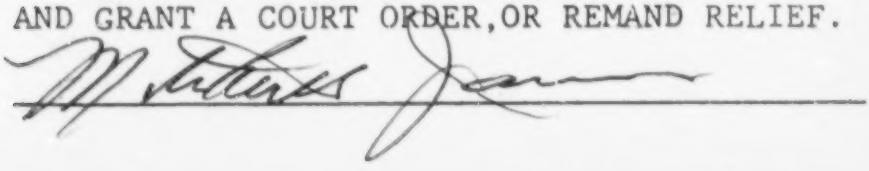
LEAVE OF COURT FOR ORDER: JUNE 14, 1985. PETITIONER BEGS THE COURT FOR AN ORDER UNDER RULE 18, REMAND CAUSE TO APPEAL COURT FOR EQUITY REVIEW IN (1) TIME,(2) CONDITIONS, AND (3) CIRCUMSTANCE. CAUSES ARE IMPEACHED BY DISPARATE TREATMENT AND INVIDIOUS AS IN "SCAMS" AND DENIALS. ALL REQUESTS EMERGENCY RELIEF DENIED THIS PRO SE CREATING DISPARATE TREATMENT AT ALL LEVELS OF REVIEWS. PETITIONER CLAIM CAUSES ARE INVIDIOUS DISCRIMINATION. WHERE THE RULES OF LOWER COURTS ARE PRIMA FACIE IN USE TO DENY PETITIONER, INVIDIOUSLY, AND CREATING DISPARATE TREATMENT. REMAND ORDER REQUESTED IN A VETERAN CAUSE, 38 USC 2202, 28 U.S.C. 2101(f) IN THE COURT RULE 18, REVIEW CONSTITUTIONAL DENIALS IN CASE 84-7163-83-7655, SEQUENCE DISTRICT COURT MARCH 7,1985. RESPONDENTS ARE IMPEACHED AT ALL LEVELS OF FACTS. COURT REQUESTED TO ORDER REVIEW OF CAUSES OR GRANT RELIEF., FRAP RULE 17(a) (b) and 27(seq) DENIED,

THIS WAS DONE IN INTERIM OF APPEAL IN APPENDIX #1, INITIALED COURT ORDER FROM WHICH APPEALED, JAN. 17, 1985, GRANTS ARTICLE #4 RELIEF CAUSE. CONDITIONS ARE CONSTITUTIONALLY INADEQUATE TO PLACE ALL BURDENS ON PRO SE CAUSE. LOWER COURTS ARE SHOWN CREATING DISPARATE TREATMENT AT ALL LEVELS. RESPONDENTS ARE IMPEACHED: CAUSE, DUE PROCESS, FIRST, FOURTH, SIX, EIGHT, ELEVENTH, AND FOURTEENTH AMENDMENT RIGHTS, AND ARTICLE #4 RIGHTS, U.S. CONSITUTIION, CODES OF ALABAMA 1975(seq), (36-26-27) IMPEACHED IN VETERAN CAUSE, 28 USC 2403 (a)and(b),28 USC 451,RULE 27.6,and 30.7. WHERE THE COURT IS ASKED TO RULE TIME IMPEACHED WHEN IT DEFRAUDS CONDITIONS OR CIRCUMSTANCES IN EQUITY REVIEWS. GRANT VETERAN CAUSE, EQUITY IN STATUTES OF LIMITATIONS EXTENDED. VETERAN SEEKS BACK-PAY AND FRIENGE BENEFITS FROM EMPLOYER. THE COURT IS ASKED TO RULE EQUITY IN RELIEF, AND GRANT A COURT ORDER,OR REMAND RELIEF.



PROOF OF SERVICES

STATE OF ALABAMA) (REHEARING)

COUNTY OF ELMORE)

MITCHELL E. JAMES,SR., after being duly sworn, dispose and says that persuant to Rule 28.4 (a) and Rule 51(seq) of this Court he served the within PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE ELEVENTH CIRCUIT on Counsels for Respondents by enclosing a Copy therein in an envelop first class postage prepaid addressed there to:

Hon. Charles Graddick,Att. Gen. Alabama
Richard Meadows, Asst. Att. Gen. Ala.
64 North Union Street, Rm.250, St.Bldg.
Montgomery, Alabama 36130

Thomas Christian, Asst.Att. Gen. Ala.
Robert Childers. Att.
428 South Lawerence Street
Montgomery, Alabama 36104

William Samford, II, Asst. Att. Gen.
Department of Youth Services
P. O. Box 66
Mt. Meigs, Alabama 36057

Hon. George C. Wallace, Governor, Ala.
% Hon. Charles Graddick, Att. Gen.Ala.
64 North Union Street, Rm.250, St.Bldg.
Montgomery, Alabama 36130

Solicitor General/and/ Hon. Ed. Meese
Department of Justice (same)
Washington D.C. 20530

Eleventh Circuit Court of Appeals,Clerks
50 Spring Street
Atlanta, Georgia 30303-3147

Petition restricted to grounds specified in Rule 51.2 and presented in good faith mailed in Tallassee, Alabama, in response to court notice of writ of Certiorari for Court Order January 17, 1985, and March 26, 1985 request for emergency re-hearing at Appeals Court and for remand plead, in order May 30, 1985 and June 14, 1985 for Court Rule 18 and Rule 30.7, reviews, and by response to verbal request for supplimental appendixes June 26, 1985.

Mitchell E. James, Sr. Petitioner

Subscribed and attested this 1st day of July, 1985.

Notary Public, State and County

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No: 84-7163

83-7655

MITCHELL E. JAMES, SR.,Plaintiff-Appellant

v

ALABAMA STATE PERSONNEL BOARD, ET' AL's

Defendants-Appellees

On Appeal from the United States District Court for the Middle District of Alabama

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Before RONEY, FAY and JOHNSON, Circuit Judges

BY THE COURT: Appellant's motion for reconsideration is denied.

/Initials/ JAN. 17, 1985

IN THE UNITED STATES APPEALS COURT

ELEVENTH CIRCUIT

A LETTER JANUARY 22, 1985

Re: 83-7655- 84-7163 JAMES v. ALABAMA STATE PERSONNEL BOARD.

EXCERPTED: "FURTHER, BY THE ORDER OF JANUARY 17, 1985, THE PANEL OF THIS COURT TO WHICH THIS CASE WAS ASSIGNED,HAS DENIED RECONSIDERATION OF YOUR PREVIOUS APPLICATION TO CONSOLIDATE THE TWO CASES AND RECONSIDER THE ORDER OF FEBRUARY 1, 1984." END OF EXCERPT.

SINCERELY: SPENCER D. MERCER, CLERK

BY: /s/ Migual J. Cortez,Jr.

Chief Deputy Clerk

NOTE: THE COURT IS APPRAISED, IT IS UPON THIS ACTION JAN. 17, 1985. THE APPEAL WAS MADE TO THE COURT. PRIOR OPINONS DO HAVE BEARINGS ON THIS ACTION APPEALED IN DENIAL OF RECONSIDERATION WHERE-AS FACTS REVIEW IN EQUITY OF FAIR AND FULL UNDER ARTICLE #4 RIGHTS (1) and (2) AND MAXIMS OF EQUITY

IN IMPEACHED CAUSES PREVAILING.

THE PETITIONER OBEYS THE DEMANDS OF THE CLERK OF THE SUPREME COURT TO ATTACH OTHER RULINGS OF THE COURT AS OPINIONS OF THE APPEAL COURT, BY RULE 30.7 REQUEST. HOWEVER, THE COURT IS ASKED TO REVIEW THE CAUSE PLAINLY STATED IN THE LETTER DATED JANUARY 22, 1985.

THE APPEAL TO THIS COURT IS FROM A DENIAL OF RECONSIDERATION OF ARTICLE #4 (1) and (2) RIGHTS AND DUE PROCESS, EQUAL TREATMENT MENTS IN LOWER COURTS RELIEFS OF IMPEACHED CAUSES. THE CAUSE IS DISPARATE TREATMENT AND DENIALS, MAXIMS OF EQUITIES, AT ALL LEVELS BELOW THE COURT.

FURTHER, ALL DECISIONS OF THE APPEAL COURT WERE ESTOPPELED BY RULING OF DISTRICT COURT MARCH 7, 1985 BEFORE THE COURT REVIEW.

THE COURT IS SHOWN "CAUSE" OF RESPONDENTS IMPEACHED AND KNOWLEDGE OF LOWER COURTS. ARTICLE #4 (1) and (2) VIOLATED, DUE PROCESS, EQUAL TREATMENT DENIED. /s/ MEJ

IN THE UNITED STATES COURT OF APPEALS

ELEVENTH CIRCUIT

MITCHELL E. JAMES, SR. APPELLANT

VS (Reconsideration Emerg.84-7163-83-7655)

EDWIN M. DIXON, INDIVIDUALLY, ETC.

ALABAMA STATE PERSONEL BOARD, ET. AL's

MOTION FOR RECONSIDERATION, MOTION FOR EXTENTION OF TIME, NOTICE OF APPEAL.

NOTICE IS HEREBY GIVEN FOR APPEAL, YOUR ORDER MARCH 26, 1985 denying reconsideration, and from your order January 17, 1985, where pro se got out dated rules as to how to proceed, but the rules did not specify further notice to this court. The cause is for review at the Supreme Court and decision of that court by the rules granted to this citizen from this court. Proceeding as a Veteran attempting to get re-employment rights where no statute of limitation exists in such causes, 38 USC 2022 e. seq.

Wrongful Dismissal (Wrongful Acts) sought in relief, District Court of the United States, Northern District of Alabama, in March 7, 1985 orders in (82-885-N,(82-595) 83-H-1173-N) above causes called in to the court, and filed accordinly. Each Counsel of Records got copies in hands, Emergency Review cause, in your order March 26, 1985.

RESPECTFULLY SUBMITTED: /s/

Mitchell E. James, Sr.

(REFERENCE STAMP OF SUPREME COURT THERE ON THE ABOVE MOTIONS May 28, 1985)

NOTE THE COURT: LISTING OF ALL MOTIONS TO LOWER COURTS BELOW IN PART LISTS HERE. THE COURT IS ASKED TO REVIEW MOTIONS OF DENIALS GRANTING ARTICLE #4 (1) and (2) RIGHTS UNDER CONSTITUTION OF U.S. TO THE PETITIONER, PRO SE VETERAN,38USC 2202.

THE CAUSE IS SEQUENCE EQUITY DENIED IN TORTS BY KNOWLEDGE IN A PRO SE CAUSE. THE SAME CREATES DISPARATE TREATMENT ALL LOWER COURTS. THE DENIALS ARE UNDER ARTICLE #4 (1) AND (2) CAUSES. ALL IN AVENUES OF RELIEF AVAILABLE DENIED BY DISCRETION WITH KNOWLEDGE OF IMPEACHED CAUSES OF THE RESPONDENTS IS BEFORE THE COURT IN REVIEW OF MOTIONS FOR RELIEFS DENIED IN DISPARATE TREATMENT WITH TORTS OF KNOWLEDGE. THE CAUSE IS PRIMA FACIE OUTSIDE INFLUENCES AND PLEADING REASONS FOR REVIEW AND SUPERVISION OF EQUITY BY THE COURT FOR THE VETERAN CAUSE.

THE MOTION IS FOR REVIEW OF MOTIONS DENIED FOR RELIEFS TO BE GRANTED AT THE LOWER COURTS. THE SAME IF GRANTED WOULD NOT HAVE CREATED RES JUDICATA, OR COLLATERAL ESTOPPEL ACTIONS IN REVIEW. WHERE KNOWLEDGE PREVAILS IN IMPEACHED RESPONDENTS, "CAUSE" IS MISSING IN EVIDENCE. RELIEF IS DUE.

UNITED STATES COURT OF APPEALS ELEVENTH CIRCUIT

MITCHELL E. JAMES, SR., APPELLANT

VS CIVIL ACTION NO: 82-885-N

ALABAMA STATE PERSONNEL BOARD,

ET. AL.'S APPELLEES

APPEAL FROM THE UNITED STATES DISTRICT COURT OF ALABAMA, MONTOGMERY, ALABAMA

MOTION FOR ENLARGEMENT OF TIME FOR DOCKETING, MOTION FOR REMAND. DEC.5,1983 A COMPLAINT HAVING BEEN FILED, IN NEW CASE, BEING 83-H-1173-N. and MOTIONS FOR SUMMARY JUDGMENT HAVE NOT BEEN HEARD, NOR MOTION FOR DISMISSAL, THE CAUSE IS A REQUEST FOR DELAY OF DOCKETING THE ABOVE APPEAL UNTIL THE CONTINGENTS ARE MADE PLAIN IN THE MATTER BY ACTION OF THE HONORABLE DISTRICT COURT. THIS REQUEST IS MADE UNDER RULE 62 (g). THE SAME REQUEST FOR A STAY OF ALL ACTION IN THE ABOVE CASE UNTIL CAUSE IS RENDERED IN THE CASE FILED AND REFERENCED BEFORE THE DISTRICT COURT. /s/MEJ

IN THE UNITED STATES COURT OF APPEAL

FOR THE ELEVENTH CIRCUIT

MITCHELL E. JAMES, SR. No. 83-7655

APPELLANT USDA 82-885-N

V No: 84-7163(USDA 83-H-1173-N)

EDWIN M. DIXON, INVIDUALLY , ETC.

ALABAMA STATE PERSONNEL BOARD, Et. Al's

MOTION TO RECONCILE ALL MOTIONS BEFORE THE APPEALS COURT AND GRANT A CROSS APPEAL OF CASES 84-7655 and 84-7163.

The cause is before the Appeals Court for reconciliation of causes in sequence of facts and due to time, conditions, and circumstance the cause is a cross appeal of matters and reconciliation of all other motions before the Court in the cases.

RESPECTFULLY SUBMITTED: /s/

Mitchell E. James,Sr. Petitioner

US COURT OF APPEALS STAMP, SEPT. 21,1984

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 83-7655 (DO NOT PUBLISH)

MITCHELL E. JAMES, SR.,

V. Plaintiff- Appellant

ALABAMA STATE PERSONNEL BOARD,

ET. AL.'S Defendants- Appellees

On Appeal from the United States District Court for the Middle District of Alabama

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(February 1, 1984)

Before Hatchett, Anderson and Clark, Circuit Judges: BY THE COURT:

(DUE TO LENGTH OF DOCUMENT IT IS HERE REFERENCED)

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

(DO NOT PUBLISH)

No. 84-7163

Non-Argument Calendar

MITCHELL E. JAMES, SR.,

V. Plaintiff- Appellant

ALABAMA STATE PERSONNEL BOARD,

ET. AL.'S Defendants-Appellees

Appeal from the United States District Court for the Middle of Alabama

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September 7, 1984

Before RONEY, FAY AND JOHNSON, Circuit Judges

PER CURIAM: The summary Judgment of the district court in favor of defendants is affirmed. The claims here were previously raised and adjudicated in James v. Alabama State Personnel Board, Civil Action 82-885-N

885-N(M.D. Ala., Sept. 15, 1983), and are barred by res judicata, Johnson v. United States, 576 F.2d 606, 611(5th Cir. 1978), cert. denied, 451 U.S. 1018(1981) or collateral estoppel, Merril v. Walter E. Heller & Co. of Alabama, Inc., 594 F. 2d 1064, 1067 (5th Cir. 1979). With regard to any new claims under 42 U.S.C.A. #1985, a claim that is based upon Title VII, 42 U.S.C.A. #2000e, may not be maintained under #1985 and 1986. Great American Federal Savings & Loan Association v. Novotny, 442 U.S. 366, 378 (1979); Garcia v. Gloor, 618 F. 2d 264, 271 (5th Cir. 1980), cert. denied, 449 U.S. 1113 (1981)

AFFIRMED.

SEPTEMBER 7, 1984

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

MITCHELL E. JAMES, SR. Plaintiff-Appellant

V. No. 84-7163

ALABAMA STATE PERSONNEL BOARD, ET. AL.s
Defendants-Appellees

APPEAL FROM UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
ON PETITION FOR REHEARING AND SUGGESTION
FOR REHEARING EN BANC.

(Opinion Sept. 7, 1984, 11th Cir. BEfore
Roney, Fay and Johnson,Circuit Judges

PER CURIAM:

THE PETITION FOR REHEARING IS DENIED AND NO MEMBER OF THIS PANEL NOR JUDGE IN REGULAR ACTIVE SERVICES ON THE COURT HAVING REQUESTED THAT THE COURT BE POLLED ON RE-HEARING EN BANC (RULE 35, FEDERAL RULE, APPELLATE PROCEDURES: ELEVENTH CIRCUIT RULE 26), the Suggestion for Re-hearing En Banc is Denied.

/s/ USCJ JAN 9, 1985

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 84-7163

MITCHELL E. JAMES, SR.,Plaintiff-Appellant

V

ALABAMA STATE PERSONNEL BOARD,

ET. AL's Defendants- Appellees

On appeal from the United States District Court for Middle District of Alabama

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Before RONEY, FAY, AND JOHNSON, Circuit JUDGES: IT IS ORDERED that motion of appellant to remand the appeal is denied.
IT IS ORDERED that motion of appellant to reconcile the appeal is denied.
IT IS FURTHER ORDERED that motion of Appellant to remand and rule on the records is denied. AUGUST 31, 1984.

STATE OF ALABAMA, PERSONNEL DEPARTMENT
402 STATE ADMISISTRATIVE BUILDING, MONTGOMERY, ALABAMA 36130-2301, JUNE 26,1985

PERSONAL : MR. Mitchell E. James, Sr., General Delivery, Mt. Meigs, Alabama 36057.

Dear Mr. James:

I am enclosing a copy of a letter which I have received from Mr. Henry B. Stegall, II, Director of the Finance Department, in connection with your consideration for employment as Buyer II.

Based on the information provided,[I feel I have no choice but to comply with the request to remove your name from the register.] I am doing so effective July 6, 1985, and I [regret] very much that this action is necessary. [If] the information reported by Mr. Steagall is not correct, please let me know immediately. Sincerely yours /s/ Halycon Vance Ballard,[Personnel Director.]

cc: Mr. Henry B. Stegall, II, Director of Finance.

STATE OF ALABAMA, DEPARTMENT OF FINANCE, MONTGOMERY, ALABAMA 36130, June 25, 1985.

Dr. HALYCON V. Ballard, Director, Personnel Department, Montgomery, Alabama:

Dear Dr. Ballard: This is to request the removal of an applicant's name, Mitchell E. James, Sr. from the Buyer II register. Mr. James was previously employed by another state agency and was dismissed. His dismissal was upheld by the Personnel Board. Your consideration and approval of this request will be appreciated.

Sincerely,

/s/

Henery B. Steagall,

IT IS THE PRAYER OF PETITIONER THAT SOME DAY SOME COURT WILL STOP DISPARATE TREATMENT AND STATEMENT OF INTENT TO CONTINUE INVIDIOUS DISCRIMINATION, AND RETALIATION WHERE DENIED THE SAME JOB, NOV. 30, 1977. ANOTHER APPLICANT WAS SELECTED FOR JOB, WITHOUT AN INTERVIEW FOR PETITIONER.

IT SEEMS THAT ANYBODY CAN ASK WHATEVER, AND BE [GRANTED] THE SAME AGAINST EQUITY OF CAUSES EVEN KNOWN BEFORE THE SUPREME COURT BY THE SAME PERSONS ATTESTING TO INTENT TO CONTINUE DISPARATE TREATMENT. IT IS AS IF THE U.S. CONSTITUTION IS OF NO AVAIL TO JUSTICE, BUT COLOR OF STATE. I WILL PERSONNALLY NEVER ASK FOR JUSTICE AGAIN, THE PRICE OF JUSTICE IS HURT AND MORE HURT. THERE SEEM TO BE NO ONE ABLE TO STOP THE HURT.

ALL PRIOR REQUESTS DENIED REVIEWS.

HOW CAN I WIN, WHEN THE FACT IS I WAS DISMISSED BY PERSONNEL BOARD, AND NO ONE SEEM TO MATTER THAT THE CAUSE IS BEFORE THE SUPREME COURT. ANY REVIEW OF FACTS WOULD INDICATED CONTINUED DENIALS BASED ON IMPEACHED EVIDENCE, AND INTENT TO [TRIP] WRIT OF CERTIORARI BY SUCH ACTIONS, BY PERSONS BEFORE THE SUPREME COURT.

/s/ Mitchell E. James, Sr.